

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

Robert Sigouin#92215-022  
Fdc Honolulu  
Po.Box 30080  
Hono.,Hi.,96820.

**ORIGINAL**

APR 13 2007

at 1 o'clock and 3 min. b M  
SUE BEITIA, CLERK

THE UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII  
CASE NO:CR-05-00248JMS.

USA	)	MOTION IN RESPONSE TO ORDER DENYING MOTION TO REDUCE SENTENCE
Plaintiff	)	PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 35(a)
VS	)	and affidavit in support.
ROBERT SIGOUIN	)	( by Robert Sigouin Pro-se Defendant)
Defendant	)	

MOTION IN RESPONSE TO ORDER DENYING MOTION TO REDUCE SENTENCE PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 35(a) and affidavit in support.

Comes now Robert Sigouin Pro-se Defendant in Case No.CR-05-00248JMS.I am addressing this matter for the following reasons:

#### FACTS

Fact 1: Robert Sigouin did plead guilty to his fourth superseeding indictment on May 29th,2005,but contrary to what the prosecutor says this was not a deal but a straight up guilty plea.

Fact 2: The 1,645 gram enhancement is nothing but an ESTIMATE BASED ON NO FACTS.

Fact 3: The statement that "He appears to argue,that,despite the court's findings to the contrary Guerrero was not a credible witness.Mr.Sigouin's argument is,because she is said to be a credible witness,her words are"she does not know how much drugs were involved only how much money she collected".

Fact 4: The Government states arithmetical,technical,or other CLEAR ERROR.This is without question CLEAR ERROR.

Fact 5: The cases used as reference by the prosecutor are not drug cases,they are NOT based on ESTIMATES they both state:(a) where there is NO error.(b) where a court does not impose a sentence in error.Mr.Sigouin's case shows CLEAR ERROR.

Fact 6: The statement that the court further found that Sigouin's testimony at sentencing was not credible.The credibility of Sigouin's testimony has nothing whatsoever to do with this motion.This motion concerns ONLY Rosas Gurerro's testimony not anyone elses.

Fact 7: The amount of money received by Guerrero;this is the only consistent fact proven and testified to that can possibly determine sentence.Sentence must be determined by FACT not estimate or imagination.

Fact 8: The fine print"Even if the court did have jurisdiction to reconsider sentence it would decline to grant relief sought.The court believed at the time of sentencing and believes now that the amount of heroine attributed to Sigouin is fully supported by FACTS AND LAW. This is clear error and a lie.(a) the court does have jurisdiction to reconsider sentence.(b) The sentence is not supported by facts and law.

The enhancement is clear error based only on ESTIMATE not FACTS.

Fact 9: On December 21st.,2006,Judge Seabright told the prosecutor that there were too many stories to sustain this enhancement.On March 23rd.,2007,Guererro's testimony said that she had no idea how much drugs were delivered only that previous to the time she collected 10,000 dollars the amount of drugs was about half the size.

Fact 10: THE PROBATION OFFICER AGREES WITH THE DEFENDANT AS TO THE "fact" THAT THE PREPONDERANCE OF EVIDENCE IS NOT SUFFICIENT TO JUSTIFY AN ENHANCEMENT.

Fact 11: Rosas Guerrero told other people,known to Mr.Sigouin that upon returning to testify at his sentencing 22 months after his arrest,that she was told by the government that she had to claim responsibility for delivering 1500 grams of drugs to Mr.Sigouin Pro-se Defendant.Any such claim would be totally contrary to her testimony under oath. Such evidence was obviously obtained illegally and probably under threat, and was not disclosed to Robert Sigouin Pro-se Defendant and breaches the Due Process law and

cannot be used.The obvious trickery by the Government to obtain such evidence is shameful to say the least.

Fact 12: Sometime between Dec.21,2006, and March 23rd.,2007,something changed Judge Seabright's mind about the enhancement and it sure could NOT be Guerrero's testimony under oath.

In conclusion the Order Denying Motion to Correct or Reduce a Sentence Pursuant to Federal Rule of Criminal Procedure 35(a),is more like the opinion of a Prosecutor in DENIAL of the TRUTH,FACTS and CLEAR ERROR described in Pro-se Defendant Robert Sigouin's motion and should be Moot.

Respectfully,

Robert Sigouin  
(Pro-se Defendant)

Affidavit in support of MOTION IN RESPONSE TO ORDER DENYING MOTION TO REDUCE SENTENCE PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 35(a) in CASE-NO-CR-05-00248JMS.

The above statements in this motion are all true,correct,the truth,the whole truth, and nothing but the truth to the best of my knowledge.I Robert Sigouin Pro-se Defendant do affirm this affidavit.

Signed under penalty of perjury,  
before God and man.



On this day the 11th of April 2007, before me did personally appear Robert Sigouin to me, known to be the person described in and who is executing the foregoing instrument, and acknowledged, hat he executed the same as his free act and deed.

Witness my signature,



Witness my signature,



CERTIFICATE OF SERVICE

A COPY OF MOTION IN RESPONSE TO ORDER DENYING MOTION TO REDUCE SENTENCE PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 35(a) AND AFFIDAVIT IN SUPPORT IN CASE NO-CR-05-00248JMS., HAS BEEN SENT BY U.S.MAIL TO:

Honorable J.Michael Seabright,  
The United States District Court,  
District of Hawaii,  
300 Ala Moana Blvd.,  
Hono.,Hi.,96850.

Anne M. Shimokawa,  
U.S. Probation Officer,  
300 Ala Moana Blvd,  
Hono.,Hi.,96850.

Sue Beitia,Clerk,  
The United States District Court,  
District of Hawaii,  
300 Ala Moana Blvd,  
Hono.,Hi.,96850.

Florence Nakakuni A.U.S.A.,  
300 Ala Moana Blvd.,  
Hono.,Hi.,96850.